

## REMARKS

Reconsideration of the present application as amended is requested.

Replacement drawing sheet 4/6 is transmitted herewith in which Fig. 6 has been slightly amended to include a box representing jack screw 185, support for which is found in the last sentence of ¶29 of the specification of the application as originally filed. No new matter has been added.

In view of the amendment to Fig. 6, ¶29 of the specification has been revised to remove the term ~~(not shown)~~ and to insert numeral 185 after "jack screw." ¶24 has also been amended to correct a typographical error; in that two references to ~~Fig. 1~~ have been changed to Fig. 2.

Claims 34, 35 and 39 have been amended to provide indentation as requested by the examiner. Accordingly, withdrawal of the objections to Claims 34, 35 and 39 is requested.

Claims 34-41 have been rejected on the basis of obviousness type double patenting over Applicants' own U.S. Patent Nos. 6,648,145 and 6,460,706. As acknowledged by the examiner, Applicants have submitted a Terminal Disclaimer which overcomes these obviousness type double patenting rejections. Accordingly, withdrawal of said rejection of Claims 34-41 is requested.

Claims 38 and 44 have been rejected for certain alleged indefiniteness therein. Claims 38 and 44 have been amended to overcome the alleged indefiniteness, and withdrawal of these rejections is requested.

Claims 22-24, 26-30 and 32-43 have been rejected for alleged anticipation over Lindberg (U.S. Patent No. 4,377,474). The examiner bears the burden of establishing a *prima facie* case of anticipation. *In re King*, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986). Each claim in issue must first be correctly interpreted to define the scope and meaning of each limitation.

*In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as “arranged in the claim.” *Lindermann Maschinefabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

In response to the examiner’s request, Applicants hereby confirm that any element expressed in “means for” form is intended to invoke 35 USC §112, 6<sup>th</sup> paragraph.

Independent Claims 22 and 28 require that the interleaved discs define a *laterally inclined* trough. Thus, containers in the stream of mixed recyclable materials are conveyed across the trough from its higher infeed end to its lower outfeed end. See ¶21, first sentence of the specification, and Fig. 2. See also ¶ 24.

Independent Claims 34-36, 38-41 and 43 have been amended to require that the interleaved discs define a laterally inclined trough. The trough of Lindberg is horizontal, and is not laterally inclined. Therefore, withdrawal of the anticipation rejection of these independent claims, together with the claims which depend therefrom and have been rejected over Lindberg, is requested.

Claims 22, 24, 26-28, 30, 32-36 and 39-41 have also been rejected for anticipation over Bielagus (U.S. Patent No. 4,755,286). Again, independent Claims 22, 28, 34-36, 38-41 and 43 all require that the interleaved discs define a laterally inclined trough. As clearly seen in Bielagus, the trough is horizontal and has no inclination. Wood chips are not conveyed from one side of the Bielagus screen to the other, but only left and right in Figs. 2 and 3. Accordingly, withdrawal of the anticipation rejection of the foregoing independent claims over Bielagus, together with the claims depending therefrom which have been rejected for lack of novelty over Bielagus, is requested.

Independent Claims 25 and 31 have been rejected for obviousness over Bielagus in view of Kobayashi (U.S. Patent No. 5,480,034). The examiner contends it would have been obvious to add blower means to the disc screen of Bielagus as allegedly suggested by Kobayashi. Applicants disagree that such a combination would be proper under 35 USC §103(a). Nevertheless, even if

such a combination were made, the result would still not be the screen apparatus of Claims 25 and 31 which requires that the interleaved discs define a laterally inclined trough. Accordingly, withdrawal of the obviousness rejections of Claim 25 and 31 over the combination of Bielagus and Kobayashi is requested.

Finally, Claim 34 has been rejected for alleged obviousness over the combination of Bielagus in view of Tirschler (U.S. Patent No. 5,287,977). The examiner contends that it would have been obvious to use the plug and stubshaft of Tirschler, into the disc screen of Bielagus. Applicants disagree that such a combination would be proper under 35 USC §103(a). Nevertheless, even if such a combination were made, the results still would not be the apparatus of amended Claim 44 which requires means for varying an angle of inclination of the frame.

Application is believed to be in condition for allowance. No additional fee is due at this time.

Respectfully submitted,

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## **AMENDMENT(S) TO THE DRAWINGS**

Replacement Sheet 4/6 is attached herewith, in which Fig. 6 has been amended to add a box representing jack screw 185.